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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/092,236	03/06/2002	Dennis Albert Littrell		5111

7590 06/04/2003
Dennis A. Littrell
11 Green Oak Rd.
Asheville, NC 28804

EXAMINER

SMITH, DUANE

ART UNIT	PAPER NUMBER
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1724

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DATE MAILED: 06/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/092,236

Applicant(s)

LITRELL, DENNIS ALBERT

Examiner

Duane S. Smith

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

1. An examination of this application reveals that applicant is unfamiliar with patent prosecution procedure. While an inventor may prosecute the application, lack of skill in this field usually acts as a liability in affording the maximum protection for the invention disclosed. Applicant is advised to secure the services of a registered patent attorney or agent to prosecute the application, since the value of a patent is largely dependent upon skilled preparation and prosecution. The Office cannot aid in selecting an attorney or agent.

Applicant is advised of the availability of the publication "Attorneys and Agents Registered to Practice Before the U.S. Patent and Trademark Office." This publication is for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

2. The abstract of the disclosure is objected to because of the inclusion of legal phraseology "means".. Correction is required. See MPEP § 608.01(b).

3. The use of "means plus function" language within the claims gives rise to analysis under 35 USC 112 sixth paragraph. Following the guidelines in MPEP 2181 set forth under *In re Donaldson Co.* 16 F.3d. 1189, 29 USPQ 2d 1845(Fed. Cir. 1994) "means plus function" language is interpreted as covering the corresponding structure described within the specification or equivalents thereof.

In claim 1 "means to displace air" is considered to cover an air vent(2).

In claim 1 "means to contact the air with a liquid" is considered to cover an air wash mechanism(4) being a solid stem(18) and contiguous hollow blade(20) wherein

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revolutions of the blade about the stem form a conduit(22) wherein water enters the blade through a hole(34) and exits through perforations(24) to contact air.

In claim 1 "means to exhaust the cleaned air" is considered to be fan as on page 3 line 14.

In claim 1 " means to discharge the used liquid" is considered to be a container(6).

In claim 1 "means to clean the liquid" is considered to be filter media as on page 4 line 3.

In claim 1" means to displace the liquid" is considered to be a pump as on page 4 line 11.

In claim 1 "means to direct the liquid" is considered to be a water line(36).

In claim 8 "means to heat and cool a liquid" is considered to be a water chiller and water heater as on page 4 line 15.

In claim 9 "means to impart a slight electrical charge" is not considered to have a corresponding structure in the specification.

In claim 10 "means of portability" is considered to be wheels or coasters as on page 4 line 24.

4. Claim 9 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession

of the claimed invention. There is no adequate written description of the corresponding structure of the means to impart a slight electrical charge.

5. Claim 9 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear what the means for imparting a slight electrical charge corresponds to what particular structure as there is no guidance within the specification.

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Muhr(US Patent No. 6,117,219)

Muhr teaches an air cleaning system including means to displace air being a vent (12), means to contact air with liquid and exhaust the cleaned air being an air wash mechanism(5,11,10,7) being one or more surfaces(11) wherein the surfaces form one or more conduits, means to clean, displace and direct liquid being a container(1) and reservoir(20), pump(3) and pipe(5) and means to heat liquid(16).

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Muhr taken together with Robertson(US Patent No. 3,785,118).

Muhr discloses the air cleaning system essentially as claimed, supra, except for means to impart a slight electrical charge. However, it is known in the art to impart electrical charge to wash liquid as shown by Robertson(13,14). It would have been obvious to one of ordinary skill in the art at the time of the invention to include electric charge imparting means in the system of Muhr in order to effectively utilize the cleaning liquid as suggested by Robertson(col. 1 line 50).

10. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Muhr taken together with Schoenberger et al(US Patent No. 5,399,319).

Muhr discloses the air cleaning system essentially as claimed , supra, except for the means of portability. However, Schoenberger et al does disclose means of portability(38) for an air cleaning system(10). It would have been obvious to one of ordinary skill in the art at the time of the invention to include wheels as in Schoenberger et al in the air cleaning system of Muhr in order to easily roll the system to make it portable as suggested by Schoenberger et al(col. 3 lines 30-33).

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kim, Porter III et al, Imbaro et al, Curchod, Hollingsworth, Sykes, and Parmentier et al disclose similar air cleaning systems.

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12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duane S. Smith whose telephone number is 703-308-3792. The examiner can normally be reached on 8:30-6:00 M-TH.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Dunn can be reached on 703-308-3318. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7718 for regular communications and 703-305-3599 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0651.

Duane S. Smith
Primary Examiner
Art Unit 1724

D. Smith
5-28-03

dss
May 28, 2003